

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERIC TRAVIS,

Plaintiff,

v.

AMERIHOM MORTGAGE
COMPANY, LLC,

Defendant.

Case No. 1: 23-cv-01267-KES-SAB

SCHEDULING ORDER (Fed. R. Civ. P. 16)

Discovery Deadlines:

Initial Disclosures: December 1, 2024

Non-Expert Discovery: February 3, 2025

Expert Disclosure: March 4, 2025

Rebuttal Expert Disclosure: April 1, 2025

Expert Discovery: May 2, 2025

Dispositive Motion Deadlines:

Filing: May 16, 2025

Hearing: Pursuant to Local Rules

Pre-Trial Conference:

October 20, 2025 at 1:30 PM

Courtroom 6

Trial: January 13, 2026 at 9:00 AM

Courtroom 6

Court Trial - 2 Days

I. Date of Scheduling Conference

The Scheduling Conference was held on **October 3, 2024**.

II. Appearances of Counsel

Anthony Cara did not appear on behalf of Plaintiff.

Eric Houser appeared by video on behalf of Defendant.

1 **III. Consent to Magistrate Judge**

2 Pursuant to 28 U.S.C. § 636(c), to the parties who have not consented to conduct all
3 further proceedings in this case, including trial, before United States Magistrate Judge Stanley A.
4 Boone, you should be informed that because of the pressing workload of United States district
5 judges and the priority of criminal cases under the United States Constitution, you may consent to
6 magistrate judge jurisdiction in an effort to have your case adjudicated in a timely and cost
7 effective manner. The parties are advised that they are free to withhold consent or decline
8 magistrate jurisdiction without adverse substantive consequences.

9 **IV. Initial Disclosure under Fed. R. Civ. P. 26(a)(1)**

10 The Parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P.
11 26(a)(1) on or before **December 1, 2024**.

12 **V. Amendments to Pleading**

13 Any motions or stipulations requesting leave to amend the pleadings must be filed by no
14 later than **March 3, 2025**. The parties are advised that filing motions and/or stipulations
15 requesting leave to amend the pleadings does not reflect on the propriety of the amendment or
16 imply good cause to modify the existing schedule, if necessary. All proposed amendments must
17 (A) be supported by good cause pursuant to Fed. R. Civ. P. 16(b) if the amendment requires any
18 modification to the existing schedule, *see Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
19 609 (9th Cir. 1992), and (B) establish, under Fed. R. Civ. P. 15(a), that such an amendment is not
20 (1) prejudicial to the opposing party, (2) the product of undue delay, (3) proposed in bad faith, or
21 (4) futile, *see Foman v. Davis*, 371 U.S. 178, 182 (1962).

22 **VI. Discovery Plan and Cut-Off Dates**

23 The parties are ordered to complete all non-expert discovery on or before **February 3,**
24 **2025** and all expert discovery on or before **May 2, 2025**.

25 The parties are directed to disclose all expert witnesses, in writing, on or before **March 4,**
26 **2025** and to disclose all rebuttal experts on or before **April 1, 2025**. The written designation of
27 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. 26(a)(2), (A), (B)**
28 **and (C) and shall include all information required thereunder.** Failure to designate experts in

1 compliance with this order may result in the Court excluding the testimony or other evidence
2 offered through the experts that are not properly disclosed in compliance with this order.

3 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to
4 experts and their opinions. Experts must be fully prepared to be examined on all subjects and
5 opinions included in the designation. Failure to comply will result in the imposition of sanctions,
6 which may include striking the expert designation and the exclusion of their testimony.

7 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement
8 disclosures and responses to discovery requests will be strictly enforced.

9 The parties are cautioned that the discovery/expert cut-off deadlines are the dates by
10 which all discovery must be completed. Absent good cause, discovery motions will not be heard
11 after the discovery deadlines. Moreover, absent good cause, the Court will only grant relief on a
12 discovery motion if the relief requested requires the parties to act before the expiration of the
13 relevant discovery deadline. In other words, discovery requests and deposition notices must be
14 served sufficiently in advance of the discovery deadlines to permit time for a response, time to
15 meet and confer, time to prepare, file and hear a motion to compel and time to obtain relief on a
16 motion to compel. Counsel are expected to take these contingencies into account when proposing
17 discovery deadlines. Compliance with these discovery cutoffs requires motions to compel be
18 filed *and heard* sufficiently in advance of the discovery cutoff so that the Court may grant
19 effective relief within the allotted discovery time. A party's failure to have a discovery dispute
20 heard sufficiently in advance of the discovery cutoff may result in denial of the motion as
21 untimely.

22 **VII. Pre-Trial Motion Schedule**

23 Unless prior leave of Court is obtained at least seven (7) days before the filing date, all
24 moving and opposition briefs or legal memorandum in civil cases shall not exceed twenty-five
25 (25) pages. Reply briefs filed by moving parties shall not exceed ten (10) pages. Before
26 scheduling any motion, the parties must comply with all requirements set forth in Local Rule 230
27 and 251.

28 **A. Non-Dispositive Pre-Trial Motions**

1 As noted, all non-expert discovery, including motions to compel, shall be completed no
2 later than **February 3, 2025**. All expert discovery, including motions to compel, shall be
3 completed no later than **May 2, 2025**. Compliance with these discovery cutoffs requires motions
4 to compel be filed *and heard* sufficiently in advance of the discovery cutoff so that the Court may
5 grant effective relief within the allotted discovery time. A party's failure to have a discovery
6 dispute heard sufficiently in advance of the discovery cutoff may result in denial of the motion as
7 untimely. Non-dispositive motions are heard on Wednesdays at 10:00 a.m., before Judge Stanley
8 A. Boone in Courtroom 9.

9 In scheduling any non-dispositive motion, the Magistrate Judge may grant Applications
10 for an Order Shortening Time pursuant to Local Rule 144(e). However, if counsel does not
11 obtain an Order Shortening Time, the Notice of Motion must comply with Local Rule 251.

12 Counsel may appear and argue non-dispositive motions by video, providing a written
13 request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than three (3)
14 court days before the noticed hearing date. In the event that more than one attorney requests to
15 appear by telephone, then it shall be the obligation of the moving party(ies) to arrange and
16 originate a conference call to the court.

17 ***Discovery Disputes:*** If a motion is brought under Fed. R. Civ. P. 37, the parties must
18 prepare and file a Joint Statement re Discovery Disagreement ("Joint Statement") as required by
19 Local Rule 251. The Joint Statement must be filed fourteen (14) calendar days before the
20 scheduled hearing date. Courtesy copies of all motion-related documents, declarations, and
21 exhibits must be delivered to the Clerk's Office by 10:00 a.m. on the fourth court day prior to the
22 scheduled hearing date. Motions will be removed from the court's hearing calendar if the Joint
23 Statement is not timely filed or if courtesy copies are not timely delivered. In order to satisfy the
24 meet and confer requirement set forth in Local Rule 251(b), the parties must confer and talk to
25 each other in person, over the telephone or via video conferencing before the hearing about the
26 discovery dispute. The Court may issue sanctions against the moving party or the opposing party
27 if either party fails to meet and confer in good faith.

28 **B. Dispositive Pre-Trial Motions**

1 All dispositive pre-trial motions shall be filed no later than **May 16, 2025** and heard
2 pursuant to the Local Rules in Courtroom 6 before United States District Judge Kirk E. Sherriff.
3 In scheduling such motions, counsel shall comply with **Fed. R. Civ. P 56 and Local Rules 230**
4 **and 260.**

5 ***Motions for Summary Judgment or Summary Adjudication:*** Prior to filing a motion for
6 summary judgment or motion for summary adjudication, the parties are ORDERED to meet, in
7 person or by telephone, and confer to discuss the issues to be raised in the motion.

8 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment
9 where a question of fact exists; 2) determine whether the respondent agrees that the motion has
10 merit in whole or in part; 3) discuss whether issues can be resolved without the necessity of
11 briefing; 4) narrow the issues for review by the court; 5) explore the possibility of settlement
12 before the parties incur the expense of briefing a summary judgment motion; and 6) to arrive at a
13 Joint Statement of Undisputed Facts.

14 The moving party shall initiate the meeting and provide a draft of the Joint Statement of
15 Undisputed Facts. **In addition to the requirements of Local Rule 260, the moving party shall**
16 **file a Joint Statement of Undisputed Facts.**

17 In the Notice of Motion, the moving party shall certify that the parties have met and
18 conferred as ordered above or set forth a statement of good cause for the failure to meet and
19 confer.

20 **VIII. Pre-Trial Conference Date**

21 The Pre-Trial conference is set for **October 20, 2025 at 1:30 PM in Courtroom 6** before
22 United States District Judge Kirk E. Sherriff.

23 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule**
24 **281(a)(2).** The parties are further directed to submit a digital copy of their Pretrial Statement in
25 Word format, directly to District Judge Kirk E. Sherriff's chambers by email at
26 KESorders@caed.uscourts.gov.

27 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** for the Eastern
28 District of California, as to the obligations of counsel in preparing for the pre-trial conference.

The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the Local Rules, the Joint Pretrial Statement shall include a Joint Statement of the Case to be used by the Court to explain the nature of the case to the jury during voir dire.

IX. Trial Date

Trial is set for **January 13, 2026 at 9:00 AM in Courtroom 6** before United States District Judge Kirk E. Sherriff.

A. This is a court trial.

B. Counsels' Estimate of Trial Time: 2 Days.

C. Counsels' attention is directed to Local Rule 285 for the Eastern District of California.

X. Settlement Conference

Should the parties desire a settlement conference, they will jointly request one of the court, and one will be arranged. In making such request, the parties are directed to notify the court as to whether or not they desire the undersigned to conduct the settlement conference or to arrange for one before another judicial officer.

XI. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten Trial

Not applicable at this time.

XII. Related Matters Pending

There are no pending related matters.

XIII. Compliance with Federal Procedure

All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of California, and to keep abreast of any amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently handle its increasing case load and sanctions will be imposed for failure to follow the Rules as provided in both the Federal Rules of Civil Procedure and the Local Rules for the Eastern District of California.

Additional requirements and more detailed procedures for courtroom practice before

Judge Stanley A. Boone can be found at the United States District Court for the Eastern District of California's website (www.caed.uscourts.gov) under Judges; United States Magistrate Judge Stanley A. Boone (SAB). In the area entitled "Case Management Procedures," there is a link to "Standard Information." All parties and counsel shall comply with the guidelines set forth therein.

XIV. Newer Admitted Attorneys and Motions before Judge Boone

The Court reviews motions set for hearing and makes a determination whether to vacate the hearing if the Court deems oral argument is unnecessary. See L.R. 230(g). Recognizing the value and importance of training attorneys, for a motion set or to be set for hearing, the Court encourages the parties to consider assigning the oral argument to an attorney with seven (7) years or less experience out of law school. If any party provides notification that such an attorney from at least one side will argue the motion, the Court will go forward with the hearing as scheduled. The parties shall place such notification within a separately entitled section after the conclusion of the motion, opposition, or reply briefing. If no party provides such notice, the hearing may be vacated without further notice.

XV. Effect of this Order

The foregoing order represents the best estimate of the court and counsel as to the agenda most suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by subsequent status conference.

Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the relief requested. The parties are advised that due to the impacted nature of civil cases on the district judges in the Eastern District of California, Fresno Division, that stipulations to continue set dates are disfavored and will not be granted absent good cause.

Lastly, should counsel or a party appearing pro se fail to comply with the directions

1 as set forth above, an ex parte hearing may be held and contempt sanctions, including
2 monetary sanctions, dismissal, default, or other appropriate judgment, may be imposed
3 and/or ordered.

4
5 IT IS SO ORDERED.

6 Dated: October 3, 2024


UNITED STATES MAGISTRATE JUDGE